

REMARKS

The rejection of claims 1 through 20 under 35 U.S.C. 103(a) as obvious over Abbott (U.S. 4,430,465) in view of Fields (U.S. 6,306,937 B1) is respectfully traversed for the following reasons.

1. Both references fail to disclose or suggest an essential element of applicants' claims 1-20, i.e. the alkyloxy alkylamine ester of component (e).
2. Both references lack adhesive compositions containing 0.02-1.5% cellulose fibers of any specified length (claims 2 and 10).
3. Neither reference discloses an elastomeric copolymer component having a minimum styrene concentration of 70% as set forth in claim 3 (see '465, col. 3, lines 35-51).
4. Abbott's composition does not include the metal silicate component (d) of claims 1-20.
5. The Abbott and Fields references are mutually exclusive and incompatible for reasons advanced in the following discussion.

DISCUSSION

The Fields reference is directed to a "fully blown", i.e. "fully oxidized", asphalt composition which asphalt is particularly excluded from the present claims. Such fully blown asphalts have different needs and require a peptizer, i.e. polybutene (col. 4, lines 2-4), which is absent from the compositions of applicants' and Abbott's compositions. The Fields patent at col. 4, lines 52-67 indicates that the use or incorporation of amine compounds, such as those disclosed by Abbott at col. 4, lines 33-47, may cause a phase separation after the finished product has been allowed to set for a time and may actually increase the attraction of moisture into the blown asphalt. Further patentee

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states that amines tend to impart a hydrophilic rather than a hydrophobic or water-repellent tendency and reduce the adhesiveness of the asphaltic compound.

Applicants' use of an alkoxy alkyl amine substituted ester in their composition overcomes the above disadvantages while providing better adhesion and a more stable composition since the oxygen of the alkoxy group migrates into the non-blown asphalt.

Finally, the Fields composition contains an oil to obtain a glossy finish. Oils are omitted from applicants' formulation since it is found that the films formed by the oil hinder the escape of volatile materials and significantly extend the time required for adhesive curing.

In view of the present amendments and the above discussion, it is believed that this application is now in condition for allowance, notice of which is courteously solicited.

Respectfully solicited,

A handwritten signature in black ink, reading "Marilyn J. Maue". The signature is written in a cursive, flowing style.

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